

REMARKS

This Response is submitted in reply to the Office Action dated May 4, 2004, and in conjunction with the Request for Continued Examination submitted herewith. Claims 1, 9, 10, 11, 12, 16, 18, 19, 20, 22, 24, 26 and 27 have been amended, and new Claims 28 to 31 have been added. No subject matter has been added to the Claims. A Supplemental Information Disclosure Statement is submitted herewith. A check in the amount of \$942.00 is submitted herewith to cover the cost of the Request for Continued Examination and the cost of the new Claims. Please charge deposit account No. 02-1818 for any insufficiency or to credit any overpayment.

Claim Rejections – 35 USC §112

The Office Action rejected Claim 18 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which Applicants regard as the invention. Specifically, the Office Action stated that there is insufficient antecedent basis for the limitation, “. . . the step of repeating steps (b) through (d) . . .” in lines 1-2. Applicants have amended Claim 18. Accordingly, Applicants respectfully submit that amended Claim 18 is in compliance with 35 USC §112.

Claim Rejections – 35 USC §103

The Office Action rejected Claims 1-5, 7-13, 15-16, 18-29, 22, 24 and 26-27 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,416,411 to Tsukahara (“Tsukahara”). Applicants respectfully disagree with and traverse this rejection.

The Office Action stated that Tsukahara discloses “. . . at least one player input event (winning event) stored in the data storage device. . .” Applicants submit that Tsukahara's winning event is not a player input. Therefore, Applicants respectfully submit that Tsukahara fails to disclose, teach or suggest a player input event associated with such a variant sound file as claimed.

Tsukahara's winning modes are not player input events because these winning modes are not inputs which the player can make. Rather, these winning modes are predetermined winning conditions which the player may or may not reach depending upon his/her game performance.

A player input event relates to an event caused by an input made by the player. In one embodiment of the present invention, "[w]hen a player generates an input signal with a player input device, a player input event occurs." (Specification, Page 14, Lines 11-13). Here, the sound change code 136 associates player input events with one or more of the variant sound recordings. (Specification, Page 15, Lines 18-20).

For these reasons, Applicants respectfully submit that Tsukahara does not disclose, teach or suggest a gaming device having, among other elements, at least one player input event stored in a data storage device where the player input event is associated with a variant sound file. Though Applicants disagree with the Office Action's rejection, Applicants have amended the Claims to advance the prosecution of this application. Applicants reserve the right to file one or more continuation applications of similar or identical scope to the rejected claims.

Amended Claim 1 (and Claims 2-5 and 7-8 which depend therefrom) are directed to a gaming device having a wager game. The gaming device includes at least one data storage device storing a plurality of instructions associated with a plurality of different functions of the wager game. Also, the gaming device includes at least one primary sound file stored in the data storage device and a plurality of variant sound files stored in the data storage device. Each of the variant sound files is a variation of the primary sound file, and each of the variant sound files is different from one another. The variation between the primary sound file and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. The gaming device includes a plurality of different options selectable by the player. At least two of the options is associated with a different one of the variant sound files and a different one of the functions of the wager game. In addition, the gaming

device includes at least one speaker and at least one player input device enabling the player to select the options. The gaming device includes a processor, in communication with the data storage device, the player input device and the speaker, which: (a) plays the primary sound file after a predetermined event occurs; (b) determines which one of the options is selected by the player; (c) plays any variant sound file associated with the selected option; and (d) operates the wager game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, variant sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claims 1, 2-5 and 7-8 are in condition for allowance.

Amended Claim 9 is directed to a gaming device having a wager game. The gaming device has at least one data storage device storing a plurality of instructions associated with a plurality of different functions of the wager game. Also, the gaming device includes at least one primary sound file stored in the data storage device and a plurality of variant sound files stored in the data storage device. Each of the variant sound files is a variant of the primary sound file, and each of the variant sound files is different from one another. The variation between the primary sound file and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of such sound recording. The gaming device includes a plurality of different options selectable by the player. At least two of the options is associated with a different one of the variant sound files and a different one of the functions of the wager game. The gaming device includes at least one speaker and at least one player input device enabling the player to select the options. Also, the gaming device includes a processor, in communication with the data storage device, the player input device and the speaker, which: (a) plays the primary sound file after a designated event associated with such primary sound file occurs; (b) determines which one of the options is selected by the player; (c) plays any variant sound file associated with the selected option; and (d) operates the wager game according to the function associated with the selected

option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, variant sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 9 is in condition for allowance.

Amended Claim 10 is directed to a gaming device having a wager game. The gaming device includes at least one data storage device storing a plurality of instructions associated with a plurality of different functions of the wager game. Also, the gaming device includes at least one primary sound file stored in the data storage device and a plurality of variant sound files stored in the data storage device. Each of the variant sound files is a variant of the primary sound file, and each of the variant sound files is different from one another. The variation between the primary sound file and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. The gaming device includes at least one game event stored in the data storage device, and this game event is associated with the primary sound file. In addition, the gaming device includes a plurality of different options selectable by the player. At least two of the options is associated with a different one of the variant sound files and a different one of the functions of the wager game. Also, the gaming device includes at least one speaker and at least one player input device enabling the player to select the options. The gaming device includes a processor, in electronic communication with the data storage device, the player input device and the speaker, which: (a) plays the primary sound file after the game event associated with such primary sound file occurs; (b) determines which one of the options is selected by the player; (c) plays any variant sound file associated with the selected option; and (d) operates the wager game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, variant sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 10 is in condition for allowance.

Amended Claim 11 is directed to a gaming device having a wager game. The gaming device includes at least one data storage device storing a plurality of

instructions associated with a plurality of different functions of the wager game. Also, the gaming device includes at least one primary sound file stored in the data storage device and a plurality of variant sound files stored in the data storage device. Each of the variant sound files is a variant of the primary sound file, and each of the variant sound files is different from one another. The variation between the primary sound file and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of the sound recording. The gaming device includes a plurality of different options selectable by the player, and at least two of the options is associated with a different one of the variant sound files and a different one of the functions of the wager game. The gaming device includes at least one speaker and at least one player input device enabling the player to select the options. Also, the gaming device includes a processor, in electronic communication with the data storage device, the player input device and the speaker, which: (a) plays the primary sound file after a predetermined event occurs; (b) determines which ones of the options are selected by the player; (c) plays any of the variant sound files associated with the selected options; and (d) operates the wager game according to the functions associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, variant sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 11 is in condition for allowance.

Amended Claim 12 (and Claims 13 and 15 which depend therefrom) are directed to a method of providing a sound change in a gaming device. The method includes initiating a predetermined game mode of a wager game; playing a primary sound file; associating a plurality of variant sound files with the primary sound file, where each of the variant sound files is a variation of the primary sound file and each of the variant sound files is different from one another; receiving a selection by a player of one of a plurality of different options; associating at least two of the options with a different one of the variant sound files and a different function of the wager game; determining which one of the options is selected by the player; playing any variant sound file associated

with the selection option, wherein such variant sound file is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording; and operating the wager game according to the function associated with the selection option. Tsukahara does not disclose, teach or suggest such a method involving such association of options, variant sound files and functions. Accordingly, Applicants respectfully submit that Claims 12, 13 and 15 are in condition for allowance.

Amended Claim 16 (and Claim 18 which depends therefrom) are directed to a method of providing a sound change in a gaming device. The method includes initiating a predetermined game mode of a wager game; playing a musical sound recording; enable a player to select one of a plurality of different options associated with different functions of the wager game; receiving the player's selection of one of the options; and changing a musical variable in such musical sound recording. The change depends upon the option selected by the player. The step of changing the musical variable at least includes the step selected from the group consisting of changing key, changing tempo, changing style, changing melody, changing beat, changing syncopation, changing notes, changing mode, changing scale, changing chords, changing pitch, changing voice, changing instrument and jumping from one section of a sound recording to a different section of said sound recording; and continuing to play the changed musical sound recording until a predetermined event occurs. Tsukahara does not disclose, teach or suggest such a method involving such association of options, musical changes and functions. Accordingly, Applicants respectfully submit that Claims 16 and 18 are in condition for allowance.

Amended Claim 19 is directed to a data storage device for a gaming device. The data storage device includes a memory device storing a plurality of instructions associated with a plurality of different functions of the wager game. The memory device stores at least one primary sound file and a plurality of variant sound files. Each of the variant sound files is a variation of the primary sound file, and each of the variant sound files is different from one another wherein the variation between the primary sound file

and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. The data storage device includes a plurality of different options selectable by the player. At least two of the options is associated with a different one of the variant sound files and a different one of the functions of the wager game. Also, the data storage device includes at least one player input device enabling the player to select the options and a plurality of instructions for a processor. The instructions direct the processor to: (a) play the primary sound file after a predetermined event occurs; (b) determine which one of the options is selected by the player; (c) play any variant sound file associated with the selected option; and (d) operate the wager game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a data storage device having such association of options, variant sound files and functions. Accordingly, Applicants respectfully submit that Claim 19 is in condition for allowance.

Amended Claim 20 is directed to a gaming device having a wager game with a plurality of different functions. The gaming device includes a plurality of different options selectable by a player. Each of the options is associated with a different one of the functions of the wager game. The gaming device includes a plurality of musical recordings and a data storage device which stores the options and musical recordings. Also, the gaming device includes means for enabling the player to select the options and a processor, in communication with the data storage device and the player input means, which: (a) plays one of the musical recordings after a particular event occurs; (b) determines which one of the options is selected by the player; and (c) plays a variation of such musical recording after a player makes a predetermined player input. The variation played depends upon the option selected by the player wherein the variation of the musical recording is at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. Tsukahara does not disclose, teach or

suggest such a gaming device having such association of options, musical variations and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 20 is in condition for allowance.

Amended Claim 22 is directed to a gaming device having a wager game with a plurality of different functions. The gaming device includes a plurality of musical recordings and a plurality of musical variations to each of the musical recordings. Each of the musical variations is different than one another. The variations to the musical recordings include at least a change in a music variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of the sound recording. The gaming device includes a plurality of different options selectable by a player. At least two of the options is associated with a different one of the musical variations and a different one of the functions of the wager game. The gaming device includes a data storage device which stores the options, musical recordings and the musical variations. Also, the gaming device includes means for enabling the player to select the options and a processor, in communication with the data storage device and the player input means, which: (a) plays one of the musical recordings after a particular event occurs; (b) receives the player's selection of one of the options; and (c) plays any musical variation associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, musical variations and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 22 is in condition for allowance.

Amended Claim 24 is directed to a gaming device having a wager game with a plurality of different functions. The gaming device includes background music and a plurality of musical changes to the background music, wherein each musical change is at least a change in a musical variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of such sound recording. The gaming device includes a plurality of different wager options for a player. At least two of the wager options is associated with a different one of the

musical changes and a different one of the functions of the gaming device. Also, the gaming device includes computer memory which stores the background music, musical changes and wager options. The gaming device includes a computer in communication with the computer memory which: (a) plays the background music at a particular time; (b) enables the player to select at least one of the wager options; and (c) plays any musical change associated with the selected wager option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, musical changes and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 24 is in condition for allowance.

Amended Claim 26 is directed to a gaming device having a wager game with a plurality of different functions. The wager game includes at least one data storage device, a first sound file and a plurality of second sound files stored in the data storage device, wherein the second sound files are musical variations of the first sound file. Each of the second files is different from one another. The musical variation is at least a change in a musical variable selected from the group consisting of key, tempo, style, melody, beat, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. The gaming device includes a plurality of options stored in the data storage device. At least two of the options is associated with a different one of the second sound files and a different one of the functions of the wager game. The gaming device includes at least one speaker, at least one player input device and a processor in communication with the data storage device, the player input device and the speaker, which: (a) plays the first sound file after a predetermined event occurs; (b) determines which one of the options is selected by the player; (c) plays any second sound file associated with the selected option; and (d) operates the wager game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, second sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 26 is in condition for allowance.

Amended Claim 27 is directed to a gaming device including a game operable

upon a wager by a player. The game has a plurality of different functions. The gaming device includes at least one data storage device, at least one primary sound file stored in the data storage device and a plurality of variant sound files stored in the data storage device. Each of the variant sound files is a variant of the primary sound file, and each of the variant sound files is different than one another. The variation between the primary sound file and each of the variant sound files is at least a change in a music variable selected from the group consisting of key, style, melody, syncopation, notes, mode, scale, chords, pitch, voice, instrument and a jump from one section of a sound recording to a different section of said sound recording. The gaming device includes a plurality of different options stored in the data storage device. At least two of the options is associated with a different one of the variant sound files and a different one of the functions. The gaming device includes a plurality of game events stored in the data storage device. Each of the game events is associated with one of the different variant sound files. The game events include at least one of an attract mode, an idle mode, a normal mode, a game play mode, a bonus mode, a cashout mode, a credit roll-up mode, a jackpot mode, a hand pay mode and a player tracking mode. The gaming device includes at least one speaker, at least one player input device and a processor operable with the data storage device, the player input device and the speaker to: (a) play the primary sound file after one of the game events occurs; (b) determine which one of the options is selected by the player; (c) play any variant sound file associated with the selected option; and (d) operate the game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, variant sound files and functions of the wager game. Accordingly, Applicants respectfully submit that Claim 27 is in condition for allowance.

New Claim 28 (and Claim 29 which depends therefrom) are directed to a gaming device including a wager game having a plurality of different functions, a data storage device, at least one sound file stored in the data storage device, a plurality of different variations of the sound file stored in the data storage device and a plurality of different options for the wager game including a set of designated options. Each of the

designated options is associated with a different one of the variations of the sound file and a different one of the functions of the wager game. The gaming device includes at least one speaker, at least one input device enabling the player to select the designated options and a processor in communication with the data storage device, the input device and the speaker, which: (a) plays the sound file after a designated event occurs; (b) determines when the player selects one of the designated options; (c) plays the variation associated with such selected option; and (d) operates the wager game according to the function associated with such selected option. Tsukahara does not disclose, teach or suggest such a gaming device having such association of options, sound file variations and functions of the wager game. Accordingly, Applicants respectfully submit that Claims 28-29 are in condition for allowance.

New Claim 30 (and Claim 31 which depends therefrom) are directed to a method for operating a gaming device. The method includes providing a game operable upon a wager, where the game has a plurality of different functions; playing a sound file after a designated event occurs; providing access to a plurality of different variations of the sound file; associating a plurality of options with different ones of the variations of the sound file and different ones of the functions of the game; enabling a player to select at least one of the plurality of options; determining which one of the options is selected by the player; playing the variation associated with the selected option; and operating the game according to the function associated with the selected option. Tsukahara does not disclose, teach or suggest such a method involving such association of options, sound file variations and functions. Accordingly, Applicants respectfully submit that Claims 30-31 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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